

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) RITA CRAMPTON, Personal Representative) of the Estate of Jane Ann Martin, deceased,) Plaintiff,) v.) Case No. 21-CV-053-JFH (1) CHRIS MORRIS, Sheriff of Pittsburg County,) Oklahoma;) (2) ABOUTANAA EL HABIT, Warden of Mabel) Bassett Correctional Center;) (3) DOES I through X,) Defendants.)

MOTION TO STRIKE AND RESET SETTLEMENT CONFERENCE

Plaintiff and Defendant Chris Morris (“the Parties”), by and through counsel of record, jointly request that this Court strike the settlement conference set for May 3, 2022 and reset the settlement conference (and related deadlines) for a date after the discovery cutoff. In support of this Motion, the Parties state as follows:

1. Pursuant to the Minute Order entered on December 20, 2021 (Dkt. 41), a settlement conference is currently set in this matter for May 3, 2022 and the settlement conference statements are presently due to be submitted and exchanged by April 19, 2022.

2. Pursuant to the Amended Scheduling Order entered March 8, 2022 (Dkt. 47), the current discovery cutoff date is October 25, 2022 with dispositive motions due October 11, 2022.

3. Defendant Aboutanaa El Habti has a pending Motion to Dismiss filed on June 8, 2021 (Dkt. 25), which is based on qualified immunity and other assertions, and a pending Motion to Stay all upcoming discovery deadlines in accordance with *Jiron v. City*

of *Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004) and *Hunter v. Bryant*, 502 U.S. 224, 227 (1991) filed on November 2, 2021 (Dkt. 33). This Court has not yet ruled on either Motion. Defendant El Habti has not participated in any discovery in this case pending the resolution of his Motion to Dismiss.

4. Plaintiff and Defendant Chris Morris have engaged in written discovery, but the Parties still have numerous depositions to schedule and take.

5. Based on the current status of the case, the Parties agree that the settlement conference set for May 3, 2022 is unlikely to be productive at this time and will likely waste both the Court's and the Parties' time and resources.

6. The Parties believe that each will be better prepared and situated to discuss settlement after discovery is closed, the evidence has been gathered and assessed and dispositive motions have been filed.

7. For these reasons, the Parties respectfully request that the Court strike the current settlement conference date (and related deadlines) to be reset for a date after the discovery cutoff.

8. Plaintiff and Defendant Chris Morris join in this Motion. Defendant Aboutanaa El Habti does not join in this Motion but does agree with the Motion.

WHEREFORE, premises considered, the Plaintiff and Defendant Chris Morris jointly request that this Court strike the settlement conference set for May 3, 2022 and reset the settlement conference (and related deadlines) for a date after the discovery cutoff. A proposed Order is being submitted with this Motion.

Respectfully submitted,

s/ Wellon B. Poe

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ Wellon B. Poe

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